

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

**IN RE: GENERIC PHARMACEUTICALS
PRICING ANTITRUST LITIGATION**

**MDL NO. 2724
16-MD-2724**

HON. CYNTHIA M. RUFÉ

THIS DOCUMENT RELATES TO:

Civil Action Nos.

Humana Inc. v. Actavis Elizabeth, LLC et al.

No. 18-cv-3299

*Marion Diagnostic Center, LLC et al. v.
McKesson Corp. et al.*

No. 18-cv-4137

In re: State Attorneys General

No. 17-cv-3768

*Ahold USA Inc. et al. v. Actavis Holdco U.S.,
Inc. et al.*

No. 18-cv-2641

*The Kroger Co. et al. v. Actavis Holdco U.S.,
Inc. et al.*

No. 18-cv-284

*West Val Pharmacy et al. v. Actavis Holdco
U.S., Inc. et al.*

No. 18-cv-2533

*1999SEIU National Benefit Fund et al. v.
Actavis Holdco U.S., Inc. et al.*

No. 18-cv-2401

**DEFENDANT ZYDUS PHARMACEUTICALS (USA), INC.'S
MOTION TO DISMISS PLAINTIFFS' OVERARCHING CONSPIRACY CLAIMS**

Defendant Zydus Pharmaceuticals (USA), Inc. ("Defendant" or "Zydus"), by and through undersigned counsel, and pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure, this Court's local rules, and Pretrial Order No. 61, hereby moves this Court for an Order dismissing the Indirect Reseller Plaintiffs' Amended Overarching Complaint, No. 18-cv-2533; Humana Inc. Amended Complaint, No. 2:18-cv-03299-CMR; Direct Purchasers' First Amended Class Action Complaint, No. 18-cv-02641; Marion First Amended Class Action Complaint, No. 2:18-cv-

04137-CMR; Kroger Plaintiffs' Amended Complaint, No. 18-cv-284; Plaintiff States' Consolidated Amended Complaint No. 17-3768; and End-Payer Class Action Complaint, No. 18-2401 (collectively "Overarching Complaints") as to Zydus to the extent they seek to hold Zydus jointly and severally liable for an alleged overarching price-fixing conspiracy in the generic drug market. In support of its Motion, Zydus respectfully refers the Court to the Memorandum of Law filed simultaneously herewith.

WHEREFORE, Zydus respectfully requests that the Court grant its Motion, and enter an Order dismissing the overarching conspiracy claims in the Overarching Complaints as to Zydus and granting any other relief the Court deems just and proper.

Dated: February 21, 2019

Respectfully submitted,

**ZYDUS PHARMACEUTICALS
(USA), INC.**

/s/ Jason R. Parish

Jason R. Parish

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Counsel for Defendant Zydus

Pharmaceuticals (USA), Inc.

CERTIFICATE OF SERVICE

I hereby certify that on February 21, 2019, a true and correct copy of the foregoing was filed with the Clerk of the Court and served upon counsel of record via electronic mail.

/s/ Jason R. Parish

Jason R. Parish